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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,727	09/30/2003	Akira Takayanagi	488-00061	4009

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EXAMINER

HEWITT, JAMES M

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/674,727	<b>Applicant(s)</b> TAKAYANAGI ET AL.	
	<b>Examiner</b> James M. Hewitt	<b>Art Unit</b> 3679	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 and 13-22 is/are pending in the application.
- 4a) Of the above claim(s) 5,8-10 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,11,13,14,16 and 21 is/are rejected.
- 7) ☒ Claim(s) 3, 6, 7, 17-20 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                                              |                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                                                          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/14/06</u> . | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Election/Restrictions*

Claims 5, 8-10 and 15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/23/05.

### *Response to Amendment*

The amendment filed 2/14/06 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

On page 8, lines 23-25, stating "The connector connecting portion may be configured to be connected to the connector or the connector housing in anti-rotating relation by *circumferential* engagement with the engagement window of the retainer holding portion." constitutes new matter.

On page 8, line 34 – page 9, line 3, stating "And, a connector connecting portion of the anti-rotation device for a pipe and a connector may be configured to be connected to the connector in anti-rotating relation by *circumferential* engagement with the retainer." constitutes new matter.

On page 9, lines 14-19, stating "The connector connecting portion may be configured to be located between the other axial end of the connector housing and the

pipe and to be connected to a connector in anti-rotating relation by *circumferential* engagement with an inner surface side of the connector housing, namely an inner surface of the connector housing or a retainer held by the connector housing.” constitutes new matter.

On page 9, lines 20-24, stating “Further , the connector connecting portion may be configured to be connected to the connector in anti-rotating relation by circumferential engagement with a rotation preventive engagement protrusion or a rotation preventive engagement recess formed on or in the connector housing.” constitutes new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Objections***

Claims 1-4, 6-7, 11, 13-14, 16 and 18-22 are objected to because of the following informalities:

In claims 1-4, 16 and 18-22, it is unclear as to whether the pipe and connector are being claimed in combination with the anti-rotation device. Claim 1 recites “An anti-rotation device *for* a pipe and a connector”, yet positively recites features of the pipe and connector such as: “the connector having sealing means, retainer means and a connector housing”, “the pipe including an inserting side portion of straight tubular shape inserted in and connected to the connector housing”, “the inserting side portion being connected to the connector housing by engagement of an annular engagement projection formed on the inserting side portion with the retainer means”; claim 2 recites

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“wherein the pipe connecting portion is connected to the inserting side portion of the pipe”; claim 16 recites “wherein the retainer means is a retainer held in a retainer holding portion formed on the other axial end of the connector housing in anti-rotating relation, and the connector connected portion is connected to the connector in anti-rotating relation by circumferential engagement with the retainer”; claim 18 recites “the rotation preventive plates fit in a pair of rotation preventive engagement recesses formed in an inner peripheral surface of the connector housing”; claim 19 recites “the rotation preventive plates are pressed by bottom surfaces of the rotation preventive recesses”; claim 20 recites “wherein a distance between radially outer ends of the rotation preventive plates is longer than a distance between bottom surfaces of the rotation preventive engagement recesses”.

For examination purposes, the pipe and connector have been considered to be claimed in combination with the anti-rotation device in claims 1-4, 16 and 18-22.

In claims 6 and 7, it is unclear as to whether the pipe and connector are being claimed in combination with the anti-rotation device. Claim 6 recites “An anti-rotation device *for* a pipe and a connector”, yet positively recites features of the pipe and connector such as: “the connector having a connector housing provided with a connecting portion”, “the pipe including an inserting side portion of straight tubular shape inserted in and connected to the connector housing”, “knurls are formed in...an outer surface of the inserting side portion of the pipe for a circumferential range”; claim 7 recites “wherein the knurls are formed so as to extend in an axial direction”.

For examination purposes, the pipe and connector have been considered to be claimed in combination with the anti-rotation device in claims 6-7.

In claim 11, it is unclear as to whether the pipe and connector are being claimed in combination with the anti-rotation device. Claim 11 recites "An anti-rotation device *for* a pipe and a connector", yet positively recites features of the pipe and connector such as: "the connector having a connector housing...and a retainer holding portion holding a retainer", "the pipe including an inserting side portion of straight tubular shape inserted in and connected to the connector housing", "the inserting side portion being connected to the connector housing by engagement with the retainer", "the retainer being held by the retainer holding portion via engagement with an engagement window formed on the retainer holding portion".

For examination purposes, the pipe and connector have been considered to be claimed in combination with the anti-rotation device in claim 11.

Claims 13-14, it is unclear as to whether the pipe and connector are being claimed in combination with the anti-rotation device. Claim 13 recites "An anti-rotation structure *for* a pipe and a connector", yet positively recites features of the pipe and connector such as: "the connector having a retainer means and a connector housing provided with a connecting portion", "the pipe including an inserting side portion of straight tubular shape inserted in and connected to the connector housing", "the inserting side portion being connected to the connector housing by engagement of an annular engagement projection formed on the inserting side portion with the retainer means"; claim 14 recites "wherein the connector connecting portion is connected to the

connector in anti-rotating relation by circumferentially engaging with a rotation preventive recess formed on or in the connector housing”.

Appropriate correction is required.

Claims 1-4, 11 and 16-22 are objected to because of the following informalities:

In claim 1, line 7, “an end of the connector housing” should be replaced with “the opposite axial end of the connector housing”.

In claim 2, lines 2-3, the phrase “...while clipping the inserting side portion of the pipe in anti-rotating relation” is awkward and unclear. Is while being used correctly? Is the pipe connecting portion connected by clipping? In anti-rotating relation with respect to what?

In claim 3, line 3, “other” should be replaced with “opposite”.

In claim 3, line 5, the phrase “the end in the portion of the other axial end” should be replaced with “the opposite axial end”.

In claim 3, lines 6-7, “...while clipping the inserting side portion in anti-rotating relation” is awkward and unclear. Is while being used correctly? Is the pipe connecting portion connected by clipping? In anti-rotating relation with respect to what?

In claim 11, lines 7-8, “an end of the connector housing” should be replaced with “the opposite axial end of the connector housing”.

In claim 16, line 3, “other” should be replaced with “opposite”.

In claim 17, line 6, “an end of the connector housing” should be replaced with “the opposite axial end of the connector housing”.

In claim 18, line 2, the phrase "is in the form of" should be replaced with "comprises".

In claim 19, lines 3-4, it is unclear as to how the pipe connecting portion is narrowed in diameter.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 11, lines 14-16, reciting "a connector connecting portion to be connected to the connector in anti-rotating relation by *circumferential* engagement with the engagement window of the retainer holding portion" constitutes new matter not supported by the original disclosure.

In claim 16, lines 3-5, reciting "and the connector connecting portion is connected to the connector in anti-rotating relation by *circumferential* engagement with the retainer" constitutes new matter not supported by the original disclosure.



***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 13, 14 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Inoue (US 6,860,515).

The applied reference has a common inventor and assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Inoue discloses an anti-rotation device for a pipe and a connector, the connector having sealing means (25), retainer means (33), and a connector housing (see Figure 1) provided with a connecting portion (9) for a mating member (3) in communication with the pipe on one axial end of the connector housing, the pipe including an inserting side portion of straight tubular shape inserted into the connector housing (see Figure 1), the

inserting side portion being connected to the connector housing by engagement of an annular engagement projection (43) formed on the inserting side portion with the retainer means, the sealing means forming a seal between the inserting side portion and the connector housing, the device comprising: a pipe connecting portion (73) connected to the inserting side portion of the pipe in anti-rotating relation and a connector connecting portion (71) to be connected to the connector in anti-rotating relation by circumferentially engaging with a rotation preventive recess (defined by portion 17 and surface 31) formed on or in the connector housing, the connector connecting portion being constructed on or integrally with the pipe connecting portion; an elastic material layer (other seal 25) formed between the pipe connecting portion and the pipe; the retainer means is a retainer held in a retainer holding portion (15) formed on the other axial end of the connector housing in anti-rotating relation, and the connector connecting portion is connected to the connector in anti-rotating relation by circumferential engagement with the retainer (see FIG. 3, 4 and 6).

Claims 1, 2, 4, 11, 13, 14, 16 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Takayanagi (US 2003/0218334 A1).

The applied reference has a common inventor and assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this

application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Takayanagi discloses an anti-rotation device for a pipe and a connector, the connector having sealing means (e.g. 31, 35), retainer means (5), and a connector housing (3) provided with a connecting portion (9) for a mating member in communication with the pipe on one axial end of the connector housing, the pipe including an inserting side portion (see FIG.10) of straight tubular shape inserted into the connector housing (see FIG.10), the inserting side portion being connected to the connector housing by engagement of an annular engagement projection (67) formed on the inserting side portion with the retainer means, the sealing means forming a seal between the inserting side portion and the connector housing, the device comprising: a pipe connecting portion (107) connected to the inserting side portion of the pipe in anti-rotating relation and a connector connecting portion (95) to be connected to the connector in anti-rotating relation by circumferentially engaging with a rotation preventive recess/window (43) formed on or in the connector housing, the connector connecting portion being constructed on or integrally with the pipe connecting portion; an elastic material layer (31) formed (axially) between the pipe connecting portion and the inserting side portion of the pipe; the retainer means is a retainer held in a retainer holding portion formed on the other axial end of the connector housing in anti-rotating relation, and the connector connecting portion is connected to the connector in anti-rotating relation by circumferential engagement with the retainer (see FIG. 3, 4 and 6).

Note that in the above rejections, structure that is connected to another structure such that rotation is precluded in one direction or about one axis is considered sufficient to meet the limitation "connected...in anti-rotating relation". In other words, the limitation "connected...in anti-rotating relation" has not been considered to require no rotation in all directions or about all axes.

### ***Response to Arguments***

Regarding Applicant's arguments filed 2/14/06 with respect to Inoue and Takayanagi, refer to the explanations provided in the above 35 USC 102 rejections by Inoue and Takayanagi respectively. Further, Takayanagi's component (7) can be considered an anti-rotation device insofar as it helps to prevent rotation of the pipe about a vertical axis orthogonal to the longitudinal axis of the pipe.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084. The examiner can normally be reached on M-F, 930am-600pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**JAMES M. HEWITT**  
**PRIMARY EXAMINER**